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EXCISE

C224

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ACTION OCS-06

INFO	LOG-00	ADS-00	AID-00	INR-07	CIAE-00	DODE-00	H-01
	NSCE-00	ARA-00	NSAE-00	SSO-00	L-03	AMAD-01	PM-10
	PA-01	PPT-01	INRE-00	CA-02	JUSE-00	DEAE-00	SSE-01
	DS-01	/034 W					

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O 072038Z MAR 89
FM AMEMBASSY SAN JOSE
TO SECSTATE WASHDC IMMEDIATE 9057
INFO AMEMBASSY MANAGUA
AMEMBASSY SAN SALVADOR
AMEMBASSY GUATEMALA
USIA WASHDC 1673
USCINCSO QUARRY HTS PN

Dept. of State, RPS/IPS, Margaret P. Grafeld, Dir.
() Release () Excise () Deny () Declassify
Date 2/27/02 Exemption 1.5.2

~~CONFIDENTIAL~~ SECTION 01 OF 06 SAN JOSE 02797

FOR DEPT ARA/CEN AND CA/OCS

Dept. of State, RPS/IPS, Margaret P. Grafeld, Dir.
() Classify as () Extend as () Downgrade to Conf
Date 2/27/02 Declassify on 3/7/14 Reason X6

E.O. 12356: DECL: OADR
TAGS: CASC, PINS, PREL, SNAR, CS (HULL, JOHN FLOYD)
SUBJECT: UPDATE ON ARREST CASE OF JOHN HULL

REF: SAN JOSE 2690 AND PREVIOUS

1. (C) POST HAS OBTAINED A COPY OF THE MARCH 1 RULING BY THE JUDGE OF INSTRUCTION OF SAN CARLOS, MAXIMO ESQUIVEL CARRANZA, WHICH MOVES TOWARD TRIAL THE CASE AGAINST JOHN HULL FOR HOSTILE ACTS AND DRUG TRAFFICKING (SEE SAN JOSE 02690). AN INFORMAL EMBASSY TRANSLATION OF THIS DOCUMENT ISSUED BY THE COURT OF SAN CARLOS FOLLOWS IN PARA 4. A SUMMARY APPEARED IN THE SAN JOSE PRESS MARCH 7. ✓

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2. (U) POST UNDERSTANDS THAT THE JUDGE OF INSTRUCTION NOW HAS TWO ADDITIONAL MONTHS (WHICH CAN BE EXTENDED TO SIX) TO CONSIDER THE CASE. AT THE END OF THAT PERIOD, THE CASE IS RETURNED TO THE PROSECUTION (THE MINISTERIO PUBLICO). THE PROSECUTOR CAN THEN BEGIN HIS PREPARATIONS FOR TRIAL OR DISMISS THE CASE FOR LACK OF SUFFICIENT EVIDENCE TO GO TO TRIAL.

BEGIN TEXT:

PENAL NUMBER: 55-J-89 "ACTO DE PROCESAMIENTO"

COURT OF SAN CARLOS - CIUDAD QUESADA, 7:00 A.M., MARCH
1, 1989

CASE BEING CARRIED OUT BY WAY OF AN INVESTIGATIVE
REPORT TO INVESTIGATE WHETHER: JOHN HULL CLARKE, OF
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AGE, MARRIED, RANCHER, RESIDENT OF MUELLE DE SAN
CARLOS, ALAJUELA, I.D. NUMBER 8-061-489; AND GERARDO
ALBERTO DURAN AYANELLI (SIC -- HIS MATRonymic IS
ACTUALLY "AYANEGUI"), OF AGE, DIVORCED, TOPOGRAPHER,
RESIDENT OF SAN JOSE, I.D. NUMBER 2-242-0567; HAVE
COMMITTED THE CRIMES OF HOSTILE ACTS AND VIOLATION OF
THE NARCOTICS LAW, IN DETRIMENT OF NATIONAL SECURITY
AND PUBLIC HEALTH. ASIDE FROM THE ACCUSED, THE
FOLLOWING INDIVIDUALS HAVE INTERVENED IN THIS MATTER:
ELDA ZUNIGA VALENCIANO AND RITA MARIA HERRERA DURAN,
OF AGE, MARRIED, ATTORNEYS, RESIDENTS OF SAN JOSE AND
CIUDAD QUESADA RESPECTIVELY, AS DEFENSE ATTORNEYS
TRUSTED BY THE ACCUSED HULL CLARKE, AS WELL AS
PRIMORAMON CHACON BARQUERO, OF AGE, MARRIED, ATTORNEY
AND RESIDENT OF THIS CITY, IN THE CAPACITY OF PUBLIC
DEFENDER FOR THE ACCUSED DURAN AYANELLI, AND THE
(SEÑORITA) PROSECUTOR REPRESENTING THE PEOPLE
(MINISTERIO PUBLICO).

IN CONSIDERATION OF

I.) THE FACTS PRESENTED FOR CONVICTION, IT IS
CONCLUDED THAT:

1. THE ACCUSED JOHN HULL CLARKE, OWNS SEVERAL
PROPERTIES IN NORTHERN COSTA RICA, ALONG THE BORDER
WITH NICARAGUA, AT POCOSOL AND MUELLE DE SAN CARLOS,
AS WELL AS AT MONICO DE UPALA AND THAT THESE LAST TWO
HAVE LANDING STRIPS AND ACCORDING TO INVESTIGATIONS
CARRIED OUT BY MEMBERS OF THE O.I.J. IT HAS BEEN
ESTABLISHED THAT, WITHOUT BEING ABLE TO PINPOINT AN

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ACTION OCS-06

INFO	LOG-00	ADS-00	AID-00	INR-07	CIAE-00	DODE-00	H-01
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	PA-01	PPT-01	INRE-00	CA-02	JUSE-00	DEAE-00	SSE-01
	DS-01	/034 W					

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O 072038Z MAR 89
FM AMEMBASSY SAN JOSE
TO SECSTATE WASHDC IMMEDIATE 9058
INFO AMEMBASSY MANAGUA
AMEMBASSY SAN SALVADOR
AMEMBASSY GUATEMALA
USIA WASHDC 1674
USCINCSO QUARRY HTS PN

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FOR DEPT ARA/CEN AND CA/OCS

E.O. 12356: DECL: OADR
TAGS: CASC, PINS, PREL, SNAR, CS (HULL, JOHN FLOYD)
SUBJECT: UPDATE ON ARREST CASE OF JOHN HULL

EXACT DATE, BUT IN EARLY 1982, THAT AT THE MONICO RANCH AND WITH THE AUTHORIZATION OF THE ACCUSED HULL CLARKE, THE LANDING FACILITY WAS USED FOR LOADING AND UNLOADING MILITARY EQUIPMENT TO RE-SUPPLY THE REVOLUTIONARY GROUP KNOWN IN THE POPULAR ARGOT AS "CONTRA" AND WHICH IS ENGAGED IN FIGHTING AGAINST THE SANDINISTA REGIME ESTABLISHED IN THE NEIGHBORING NATION OF NICARAGUA, AN ACTIVITY THAT WAS OBSERVED FOR A LONG TIME BY WITNESS EDWIN GONZALEZ MURILLO; SINCE THESE ACTIVITIES CONTINUED TO BE REPEATED AFTER 1982, AS WAS PREVIOUSLY MENTIONED, UNTIL 1983 AND 1984 INCLUSIVE, IN THE SAME MANNER IT WAS POSSIBLE TO ESTABLISH THAT DURING THE PERIOD BETWEEN APRIL 1982

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AND MAY 1983, THE LOGISTICS SECTION OF ARDE, DEMOCRATIC REVOLUTIONARY ASSOCIATION, OPERATED AT THE ACCUSED HULL CLARKE'S RANCH AT MUELLE DE SAN CARLOS. THE LOGISTICS SECTION WAS COMMANDED BY LUIS RIVAS AND IAN KINLOCK; THE LATTER ACCUSED IN HIS EFFORTS TO COLLABORATE WITH THE GROUP KNOWN AS NICARAGUAN "CONTRA" CONTACTED PILOT MARCO ANTONIO AGUADO TOWARD THE END OF 1983, A PERSON WHO IS ALSO CONNECTED WITH THE NICARAGUAN COUNTERREVOLUTION, WHO ALSO EXPRESSED IN TESTIMONY GIVEN THAT THE ACCUSED HULL CLARKE SUPPLIED FUEL FOR COUNTERREVOLUTIONARY AIRCRAFT, FUEL THAT WAS PURCHASED WITHIN COSTA RICAN TERRITORY AND WAS STORED AT HULL CLARKE'S RANCH AT MUELLE DE SAN CARLOS. FURTHERMORE, THE ACCUSED PROVIDED FOOD AND LODGING ON HIS PROPERTY TO NICARAGUAN COUNTER-REVOLUTIONARY MILITARY PERSONNEL, AND ALSO, THE ACCUSED ALLOWED CONTRA AIRCRAFT TO LAND AT HIS LANDING FACILITY AT THE MUELLE DE SAN CARLOS RANCH WHERE SOME OF THE AIRCRAFT WERE EVEN REPAIRED. A STUDY WAS CARRIED OUT BY THE JUDICIAL POLICE, WITH REGARD TO THE AIRPLANE FUEL PURCHASED BY THE ACCUSED HULL CLARKE DURING THE PERIOD BETWEEN 1983 AND 1986; IT WAS DETERMINED THAT THE AIRPLANE FUEL PURCHASED WAS MUCH GREATER THAN THE CAPACITY OF THE AIRCRAFT OWNED BY THE ACCUSED, REGISTRY TI AHR AND WHICH USES 14 GALLONS OF FUEL PER HOUR OF FLIGHT TIME, TAKING INTO ACCOUNT THAT FLIGHTS MADE DURING THOSE YEARS DID NOT AMOUNT TO MORE THAN THIRTY MINUTES, SINCE TWO FLIGHTS WERE LOGGED IN 1984, TWO FLIGHTS IN 1985, SAN CARLOS, PAVAS AND LIBERIA, AND TWO FLIGHTS IN 1986, SAN CARLOS - PAVAS - LIBERIA. NONETHELESS, IT WAS DETERMINED THAT MR. JOAQUIN MORA MADRIGAL TRANSPORTED APPROXIMATELY ONE THOUSAND FIVE

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HUNDRED GALLONS OF GASOLINE TO HULL CLARKE'S RANCH AT MUELLE DE SAN CARLOS, WITH THE PURPOSE OF SUPPLYING THE CONTRA AIRCRAFT THAT LANDED THERE TO THAT EFFECT. IT WAS ALSO DETERMINED THAT ON JUNE 20, 1983, THE ACCUSED HULL, WITH CONTRA RE-SUPPLY PILOT MARCO ANTONIO AGUADO DEPARTED FROM OUR NATION IN TWO AIRCRAFT, REGISTRATION NUMBERS N666 AND PF 91 CF, ALSO ACCOMPANIED BY THE OTHER DEFENDANT, GERARDO DURAN AYANELLI, EGIDIO PRADO AND ROBERTO ESPINOZA; THE REPORTED FLIGHT PLAN FILED STATED THE DESTINATION AS MIAMI AND VICE VERSA. NONETHELESS, THE FLIGHT PLAN WAS CHANGED AND BOTH THE ACCUSED AND THEIR COMPANIONS TRAVELLED TO SAN ANDRES, COLOMBIA INDICATING THAT THEIR NEXT DESTINATION WAS COZUMEL, MEXICO, AND THE FACT IS THAT WHEN SAID ACCUSED RETURNED THEY DROPPED THE CARGO OF MILITARY EQUIPMENT THEY WERE TRANSPORTING

AT LA PENCA, NICARAGUA, TO NICARAGUAN
COUNTER-REVOLUTIONARY MILITARY PERSONNEL WHO WERE
CAMPED THERE AND IMMEDIATELY AFTERWARD THEY PROCEEDED
TO THE PAVAS AIRPORT IN SAN JOSE. IN THIS SAME MANNER
IT WAS POSSIBLE TO ESTABLISH THROUGH THE INVESTIGATION
THAT WAS CARRIED OUT THAT THE ACCUSED HULL CLARKE, ON
A DATE THAT WAS NOT PINPOINTED EXACTLY, BUT SOMETIME
IN 1984, CONTRACTED THE SERVICES OF FELIX GUSTAVO
GUILLEN TO EXTRICATE A HELICOPTER OWNED BY ARDE WHICH
WAS BEING KEPT AT THIS COUNTER-REVOLUTIONARY
ORGANIZATION'S CAMPS, AND TAKE IT TO HONDURAS, TO BE
UTILIZED BY THE "CONTRA" BEING THAT THE PILOT, GUILLEN
WENT BY THE ACCUSED HULL'S RANCH FIRST AT MUELLE AND
LATER TO ANOTHER CAMP IN GUANACASTE BEFORE GOING ON TO
HONDURAS. AS A SEPARATE EVENT, IT WAS POSSIBLE TO
ESTABLISH THAT IN SEPTEMBER 1984, MR. JACK TERRAL WAS
CALLED BY MARIO CALERO REGARDING JOINING THE
NICARAGUAN DEMOCRATIC FRONT (FDN). JACK TERRAL ALSO
MET WITH THE ACCUSED HULL CLARKE ON A DATE NOT EXACTLY
SPECIFIED AT THE SHAROCK HILTON HOTEL IN HOUSTON,

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TEXAS, U.S.A., THEY WERE ALSO JOINED BY U.S. CITIZEN

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ACTION OCS-06

INFO	LOG-00	ADS-00	AID-00	INR-07	CIAE-00	DODE-00	H-01
	NSCE-00	ARA-00	NSAE-00	SSO-00	L-03	AMAD-01	PM-10
	PA-01	PPT-01	INRE-00	CA-02	JUSE-00	DEAE-00	SSE-01
	DS-01	/034 W					

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O 072038Z MAR 89
FM AMEMBASSY SAN JOSE
TO SECSTATE WASHDC IMMEDIATE 9059
INFO AMEMBASSY MANAGUA
AMEMBASSY SAN SALVADOR
AMEMBASSY GUATEMALA
USIA WASHDC 1675
USCINCSO QUARRY HTS PN

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FOR DEPT ARA/CEN AND CA/OCS

E.O. 12356: DECL: OADR
TAGS: CASC, PINS, PREL, SNAR, CS (HULL, JOHN FLOYD)
SUBJECT: UPDATE ON ARREST CASE OF JOHN HULL

ROBERT OWEN. THESE INDIVIDUALS PLANNED TO BRING IN AMERICAN INSTRUCTORS TO THE ANTI-SANDINISTA GUERRILLAS, THIS WOULD BE DONE AT HULL'S RANCH AT MUELLE DE SAN CARLOS AND WOULD BE FINANCED BY THE UNITED STATES NATIONAL SECURITY COUNCIL; THIS IS HOW ACTUALLY ON APRIL 23, 1985, A RURAL GUARD CONTINGENT FROM SAN CARLOS, UNDER THE COMMAND OF RIGOBERTO BADILLA MONGE, PROCEEDED TO DETAIN IN A CLEARING ON A PROPERTY OWNED BY THE ACCUSED JOHN HULL CLARKE, AT POCOSOL DE SAN CARLOS, A GROUP OF INSTRUCTORS WHO WERE CARRYING HEAVY CALIBER ARMS, INCLUDING AK-15, AK-47, FAL RIFLES, ROCKET LAUNCHERS, GRENADES, M-67 AND M-61; THESE INDIVIDUALS WERE TRIED FOR THE CRIME OF

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HOSTILE ACTS, AT THE SUPERIOR COURT OF ALAJUELA AND SEVERAL OF THEM WERE CONVICTED OF THAT CRIME; IT WAS DETERMINED THAT SAID ACCUSED HULL CLARKE, PROVIDED THIS GROUP WITH FOOD AND AFTER THIS GROUP OF COUNTER-REVOLUTIONARY INSTRUCTORS WERE ARRESTED, ONE OF THEM, SANTOS JULIO CENTENO CENTENO, COMMUNICATED BY TELEPHONE WITH THE ACCUSED JOHN HULL AND HE PROCEEDED TO REQUEST THAT THE AUTHORITIES RELEASE THOSE WHO HAD BEEN ARRESTED; ALSO, IT HAS BEEN ESTABLISHED IN THIS DOCUMENT THAT THE ACCUSED HEREIN HULL CLARKE, IN CONJUNCTION WITH OTHER NICARAGUAN CONTRA MILITANTS PLANNED A STRATEGY TO ASSASSINATE EDEN PASTORA - LEADER OF ANOTHER NICARAGUAN COUNTER-REVOLUTIONARY GROUP; AN INDIVIDUAL NAMED AMAO GALIL ALSO PARTICIPATED IN THE PLOT. THE PLAN CONSISTED OF SUMMONING PASTORA GOMEZ TO A CAMP AT LOS CHILES WHERE A GROUP OF ABOUT THIRTY NICARAGUAN COUNTER-REVOLUTIONARIES AND FIVE INSTRUCTORS WHO WOULD BE AT HULL CLARKE'S RANCH, WOULD KIDNAP HIM AND THEN TRANSPORT HIM TO CASTILLO IN NICARAGUA WHERE THEY WOULD PUBLICLY HANG HIM, THEREBY MAKING PEOPLE BELIEVE THAT THIS DEED HAD BEEN CARRIED OUT BY MEMBERS OF THE SANDINISTA ARMY. LIKEWISE IT HAS BEEN ESTABLISHED THAT AUGUST 9, 1984, AN AIRCRAFT UNDER REGISTRATION 612 SM, TWIN ENGINE CESNA 310, LANDED AT A FIELD LOCATED ON A RANCH OWNED BY THE ACCUSED JOHN HULL CLARKE, AT MUELLE DE SAN CARLOS, THE AFOREMENTIONED AIRCRAFT WAS TRANSPORTING MILITARY EQUIPMENT AND MEDICATION FOR THE NICARAGUAN COUNTER-REVOLUTION. WHEN THE PLANE ATTEMPTED TO TAKE OFF, IT CRASHED INTO A FENCE WHICH MADE IT IMPOSSIBLE FOR IT TO CONTINUE ITS JOURNEY, A CIRCUMSTANCE THAT WAS KNOWN TO AND AUTHORIZED BY MR. HULL CLARKE. THE

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AIRCRAFT WAS LATER CLAIMED BY THE ACCUSED GERARDO DURAN AYANELLI. LIKEWISE, ACCORDING TO WHAT HAS BEEN INVESTIGATED, IT HAS BEEN DETERMINED THAT FEBRUARY 3, 1985 AN AIRCRAFT REGISTERED AS 666 PF - WHICH WAS ALSO SERVING THE NICARAGUAN COUNTER-REVOLUTION - UNDER THE COMMAND OF THE ACCUSED DURAN AYANELLI, HAD AN ACCIDENT AFTER LEAVING TOBIAS BOLANOS AIRPORT EN ROUTE TO ILOPANGO AIRPORT IN SAN SALVADOR. THE AIRCRAFT SUNK IN THE OCEAN IN FRONT OF PANAMA BEACH IN GUANACASTE, THE PILOT WAS ABLE TO ESCAPE UNHARMED. THIS FLIGHT, AS HAS BEEN SAID, SERVED THE NICARAGUAN COUNTER-REVOLUTION AND WAS CARRYING MILITARY SUPPLIES. ON JULY 20, 1988, A VISUAL INSPECTION OF THE ACCIDENT SITE WAS PERFORMED BY O.I.J. INVESTIGATORS AND THE ILL-FATED AIRCRAFT WAS LOCATED AT A DEPTH OF 28 FEET. IN ADDITION, IT WAS ALSO ESTABLISHED THROUGH THE INVESTIGATION CARRIED OUT BY MEMBERS OF THE O.I.J. WITHIN THE INTERNATIONAL

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NETWORK, CLEARLY DEDICATED TO THE TRANSPORTATION OF MILITARY EQUIPMENT AND DRUGS THAT OPERATED FROM PROPERTIES OWNED BY THE ACCUSED JOHN HULL AT MUELLE DE SAN CARLOS AND MONICO DE UPALA, THE OTHER INDIVIDUAL ACCUSED HEREIN, OCTAVIANO CESAR AVILES, CONTACTED A MR. GEORGE MORALES, A WELL KNOWN INTERNATIONAL NARCOTRAFFICKER, BEING THAT THE LATTER TOOK CHARGE OF FINDING HIM PILOTS WHO WERE FAMILIAR WITH CENTRAL AMERICAN LANDING STRIPS AND WHO WOULD NOT BE RECOGNIZED IN THE DRUG WORLD; IN THIS MANNER HE MADE CONTACT WITH THE ACCUSED GERARDO DURAN AYANALLI AND WITH MARCOS AGUADO, WHO WERE DULY TRAINED AT AIRPORTS IN OPALOKA AND THE BAHAMAS. THE PRECISE DATES THAT THE AFORESAID TOOK PLACE ARE NOT AVAILABLE, BUT IT WAS IN 1983. THIS WAS HOW IT CAME TO PASS, STARTING IN 1983, THAT THE ACCUSED DURAN AYANELLI PILOTED TWO AIRCRAFT, REGISTRATION NUMBERS 612 SM AND 666 PF, BY HIMSELF OR WITH MARCOS AGUADO. FLIGHTS WERE LOGGED ON

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THE FOLLOWING DATES: MAY 19, MAY 21, JUNE 19, AND

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ACTION OCS-06

INFO	LOG-00	ADS-00	AID-00	INR-07	CIAE-00	DODE-00	H-01
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	PA-01	PPT-01	INRE-00	CA-02	JUSE-00	DEAE-00	SSE-01
	DS-01	/034 W					

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O 072038Z MAR 89
FM AMEMBASSY SAN JOSE
TO SECSTATE WASHDC IMMEDIATE 9060
INFO AMEMBASSY MANAGUA
AMEMBASSY SAN SALVADOR
AMEMBASSY GUATEMALA
USIA WASHDC 1676
USCINCSO QUARRY HTS PN

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FOR DEPT ARA/CEN AND CA/OCS

E.O. 12356: DECL: OADR
TAGS: CASC, PINS, PREL, SNAR, CS (HULL, JOHN FLOYD)
SUBJECT: UPDATE ON ARREST CASE OF JOHN HULL

JUNE 22, 1984, AS WELL AS 16 OTHER TRIPS WITH THE
DESTINATION ON THE MAJORITY OF THESE OCCASIONS BEING
EL SALVADOR. IN THE SAME MANNER, IT WAS DETERMINED
THAT ON A DATE THAT IS NOT EXACTLY PINPOINTED, BUT
BETWEEN 1983 AND 1984, THE ACCUSED DURAN AYANELLI AND
THE CO-DEFENDANT JOHN HULL CLARKE, TRAVELLED TO MIAMI
AND VISITED THE OFFICE OF CONVICTED
NARCOTRAFFICKER GEORGE MORALES, TAKING THE OPPORTUNITY
TO DISCUSS THE SALE OF DRUGS AND WEAPONS; LATER ON,
IN OCTOBER OF 1984, ONE DAY FOLLOWING A TRIP TAKEN BY
GEORGE MORALES AND THE ACCUSED OCTAVIANO CESAR AVILES
TO THE BAHAMAS, THE ACCUSED CESAR AVILES FILLED OUT A
DECLARATION IN MIAMI FOR SEVERAL MILLION DOLLARS.

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FOLLOWING THAT, GEORGE MORALES AND THE ACCUSED DURAN

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AYANELLI AND MARCOS AGUADO TRAVELLED TO HAITI WITH THE PURPOSE OF PICKING UP A PLANE THERE THAT HAD BEEN DONATED TO HELP SUPPORT THE NICARAGUAN COUNTER-REVOLUTION AND THEN THEY WENT ON TO CENTRAL AMERICA. BASED ON THE INVESTIGATIONS THAT HAVE BEEN CARRIED OUT, IT WAS DETERMINED THAT WITHOUT PINPOINTING EXACT DATES, BUT BETWEEN 1983 AND 1985, AIRCRAFT DEDICATED TO SUPPORTING THE NICARAGUAN COUNTER-REVOLUTION, PILOTED BY MARCOS AGUADO AND GERARDO DURAN AYANELLI, LANDED AT THE AIRPORTS OWNED BY THE ACCUSED HULL CLARKE, ESPECIALLY THE ONE LOCATED AT MUELLE DE SAN CARLOS, CARRYING MILITARY SUPPLIES WHICH THEY UNLOADED AND AFTER REFUELING THE AIRCRAFT. THE PLANES LEFT LOADED WITH DRUGS. THIS SITUATION OCCURRED DURING THE DAY AND WAS KNOWN BY THE ACCUSED HULL CLARKE, BEING THAT ON ONE OPPORTUNITY FOUR HUNDRED KILOS OF COCAINE WERE TRANSPORTED TO MIAMI AND THAT GEORGE MORALES WAS PAID THREE HUNDRED THOUSAND DOLLARS FOR THESE TRIPS. ALSO, WITHOUT STATING THE EXACT DATE, BUT WITHIN THE PREVIOUSLY STATED TIME FRAME, BETWEEN 1983 AND 1985, THE PILOT GEORGE, ACCORDING TO GARY BETZNER, WHO ALSO WORKED FOR GEORGE MORALES, TRANSPORTED A SHIPMENT OF WEAPONS TO JOHN HULL'S RANCH AT SAN CARLOS AND LEFT FROM THERE TO FLORIDA, U.S.A., WITH ONE THOUSAND KILOS OF COCAINE WHICH WAS AT THE LANDING FACILITY AS WAS THE FUEL SUPPLY, A SITUATION WHICH WAS KNOWN TO THE ACCUSED HULL CLARKE.- (O.I.J. REPORT PAGES 2 TO 40, DOCUMENT PAGES 41 TO 62, TESTIMONIES ON PAGES 63, 64, 65, 66, 67, 68, 69, PHOTOGRAPHIC SEQUENCE ON PAGES 71 TO 74, TESTIMONY ON PAGES 75, 76, 77, 78, 79, 80 AND 81, DOCUMENT PAGES 82 TO 97, TESTIMONY ON PAGES 98, 99,

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100, 101, 102, 117, 118, 119, 120, 121, 122, REPORT PAGES 125 TO 130; CERTIFICATION OF PAGES 131 TO 148 AND FROM 149 TO 154, TESTIMONY ON PAGES 157, 160, 161, 162, 168, 189, 190, CERTIFICATION OF CASE ON PAGES 211 TO 604 AND 605 TO 695, CERTIFICATION OF PAGES 744, 754, CERTIFICATION OF PAGES 756 TO 792).

II.) ACCORDING TO WHAT HAS BEEN STATED, THERE ARE SUFFICIENT ELEMENTS OF CONVICTION TO ACCEPT AS PROBABLY WELL FOUNDED THE EXISTENCE OF THE DEEDS THAT ARE ATTRIBUTED TO THE ACCUSED JOHN HULL CLARKE AND GERARDO ALBERTO DURAN AYANELLI, WHICH CONSTITUTE THE CRIMES OF HOSTILE ACTS AND INTERNATIONAL DRUG TRAFFICKING; RECOGNIZED AND PUNISHABLE BY ARTICLES 280 OF THE PENAL CODE, BY A JAIL SENTENCE OF ONE TO SIX YEARS FOR HOSTILE ACTS, AND 372 OF THE GENERAL HEALTH LAW, WITH A JAIL SENTENCE OF SIX TO 12 YEARS FOR INTERNATIONAL DRUG TRAFFICKING; IT MUST BE CLARIFIED THAT IN THIS DOCUMENT, BECAUSE OF CONSTITUTIONAL RULE AND AS STATED IN ARTICLES 11 AND 12 OF THE CODE OF PENAL PROCEDURES, THE LAW CANNOT BE APPLIED

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RETROACTIVELY, ESPECIALLY IF THAT LEGISLATION IS MORE
DAMAGING TO THE ACCUSED. CONSEQUENTLY, IN MATTERS
RELATED TO INTERNATIONAL DRUG TRAFFICKING WHICH BOTH
DEFENDANTS ARE ACCUSED OF, GIVEN THE FACT THAT SUCH
DEEDS WERE COMMITTED BEFORE THE PRO
MULGATION OF THE
CURRENT DANGEROUS SUBSTANCES LAW, THE CORRECT THING TO
DO IS TO APPLY THE LAW THAT WAS IN EFFECT WHEN SUCH
ILLICIT ACTIVITIES TOOK PLACE, IN THIS CASE, ARTICLE
372 OF THE GENERAL HEALTH LAW. GETTING INTO THE
SUBSTANCE AND ANALYZING THE FACTS THAT HAVE BEEN
DENOUNCED, AND THE PROOF THAT HAS BEEN PRESENTED IT IS
CONCLUDED THAT IT HAS BEEN EFFECTIVELY DETERMINED
HEREIN THAT THE DEFENDANTS HULL CLARKE AND DURAN
AYANELLI, HAVE COMMITTED THE ILLICIT ACTIONS
ATTRIBUTED TO THEM, SINCE WITH RESPECT TO THE CRIME OF

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COMMITTING HOSTILE ACTS, ABUNDANT PROOF HAS BEEN

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ACTION OCS-06

INFO	LOG-00	ADS-00	AID-00	INR-07	CIAE-00	DODE-00	H-01
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	PA-01	PPT-01	INRE-00	CA-02	JUSE-00	DEAE-00	SSE-01
	DS-01	/034 W					

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O 072038Z MAR 89
FM AMEMBASSY SAN JOSE
TO SECSTATE WASHDC IMMEDIATE 9061
INFO AMEMBASSY MANAGUA
AMEMBASSY SAN SALVADOR
AMEMBASSY GUATEMALA
USIA WASHDC 1677
USCINCSO QUARRY HTS PN

~~CONFIDENTIAL~~ SECTION 05 OF 06 SAN JOSE 02797

FOR DEPT ARA/CEN AND CA/OCS

E.O. 12356: DECL: OADR
TAGS: CASC, PINS, PREL, SNAR, CS (HULL, JOHN FLOYD)
SUBJECT: UPDATE ON ARREST CASE OF JOHN HULL

OFFERED IN THE SENSE THAT BOTH OF THEM ARE
SYMPATHIZERS OF THE NICARAGUAN COUNTER-REVOLUTIONARY
GROUP, KNOWN AS "CONTRAS" AND THAT BETWEEN 1982 AND
1986 INCLUSIVE, THEY HAVE CARRIED OUT "CONCRETE
HOSTILE ACTS." IN OTHER WORDS, THEIR OCCURRENCE IS
PALPABLE, ACTS OPENLY DIRECTED TOWARD HELPING THE
NICARAGUAN COUNTER-REVOLUTIONARIES. ACTS, OF COURSE,
NOT APPROVED OF BY THE COSTA RICAN GOVERNMENT, SINCE
OUR GOVERNMENT DURING THE LAST FEW YEARS DURING WHICH
NICARAGUA HAS HAD A SANDINISTA GOVERNMENT, HAS
MAINTAINED A POLICY OF COMPLETE NEUTRALITY AND
NON-INTERVENTION IN THE AFFAIRS OF THAT NATION.
NONETHELESS, BOTH DEFENDANTS HAVE OPENLY COOPERATED IN

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THE SUPPLY OF WEAPONS, AMMUNITION, EQUIPMENT,
CLOTHING, AND MEDICATION TO THE CONTAS, FOR WHICH THEY
HAVE LENT THEIR RANCHES AND LANDING FACILITIES AS IN

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THE CASE OF HULL CLARKE; FUEL HAS BEEN MADE AVAILABLE FOR THEIR AIRCRAFT, THEY HAVE PILOTED PLANES IN THE SERVICE OF THE NICARAGUAN CONTRAS AND EVEN THROUGH THE USE OF THOSE PLANES, HAVE DROPPED IN NICARAGUAN TERRITORY (LA PENCA) MILITARY EQUIPMENT AND SUPPLIES TO BE USED BY THE AFOREMENTIONED CONTRAS. THEY EVEN SIGNED A PACT WITH A WELL KNOWN NARCOTRAFFICKER THROUGH WHICH THEY WOULD SUPPLY WEAPONS TO THE CONTRAS AND SAID NARCOTRAFFICKER WOULD TRANSPORT HIS DRUGS TO THE UNITED STATES, WHICH MAKES THEIR ACTIVITIES EVEN WORSE; ALL OF THESE ACTIVITIES, OBVIOUSLY, WITH THE PASSING OF THE YEARS, HAVE PUT THE PEACE OF THE NATION IN DANGER, AND THE GOOD RELATIONS BETWEEN THE GOVERNMENTS OF COSTA RICA AND NICARAGUA, SINCE THE SANDINISTA GOVERNMENT HAS BEEN PROTESTING REPEATEDLY TO THE GOVERNMENT OF COSTA RICA ABOUT THESE CONTRA GROUPS THAT HAVE BEEN ASSISTED BY BOTH DEFENDANTS WITHIN COSTA RICAN TERRITORY AND THE INCURSIONS THAT THEY MAKE INTO NICARAGUA, INCLUDING ONE OCCASION WHICH WE CAN RECALL IN A CONFRONTATION THAT TOOK PLACE AT LAS CRUCITAS WHERE TWO OF OUR CIVIL GUARDS WERE KILLED; BECAUSE OF ALL THIS, THE UNDERSIGNED CONSIDERS THAT THE ACTIVITIES ENGAGED IN BY HULL CLARKE AND DURAN AYANELLI DESCRIBED HEREIN CONSTITUTE THE CRIME OF HOSTILE ACTS OF WHICH THEY ARE ACCUSED. WITH REGARD TO THE OTHER ILLEGAL ACTIVITY, INTERNATIONAL DRUG TRAFFICKING, ALSO ACCORDING TO THE PROOF THAT HAS BEEN PRESENTED, IT HAS BEEN DETERMINED THAT BOTH DEFENDANTS PARTICIPATED IN A VERY DIRECT WAY IN A NEGOTIATION OR AGREEMENT ENTERED INTO BY LEADERS OF

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THE NICARAGUAN CONTRA WITH THE NARCOTRAFFICKER, GEORGE MORALES, BY WHICH HE WOULD FACILITATE THE SUPPLY OF WEAPONS TO THE CONTRA IN EXCHANGE FOR THEIR TRANSPORTING DRUGS TO THE UNITED STATES; TO THIS EFFECT BOTH DEFENDANTS TRAVELLED TO THE UNITED STATES AND MET WITH GEORGE MORALES, AGREEING THAT HULL CLARKE WOULD MAKE AVAILABLE THE LANDING FACILITIES ON HIS RANCHES IN THE NORTH OF THE COUNTRY AND FOR HIS PART, DURAN AYANELLI WAS DULY TRAINED AS A PILOT TO TRANSPORT THE ARMS AS WELL AS THE DRUGS. AMONG THE SHIPMENTS OF DRUGS TAKEN TO THE UNITED STATES OF AMERICA THERE WAS ONE OF FOUR HUNDRED KILOS AND ONE OF ONE THOUSAND. THESE ACTS ARE EVIDENTLY CONFIGURATIVE WITH THE CRIME PREVIOUSLY REFERRED TO IN THIS DOCUMENT AS INTERNATIONAL DRUG TRAFFICKING OF WHICH BOTH DEFENDANTS ARE ACCUSED; THIS BEING THE WAY THINGS ARE AND IN ACCORDANCE WITH THE DISPOSITIONS IN ARTICLES 286, 287, 288 AND 291, AND THOSE FOLLOWING IN THE PENAL PROCEDURES CODE, PROSECUTION IS ORDERED FOR BOTH DEFENDANTS AS PRESUMED PERPETRATORS OF THOSE CRIMES, AS WELL AS PREVENTIVE IMPRISONMENT.

THEREFORE

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PROSECUTION AND PREVENTIVE IMPRISONMENT IS ORDERED FOR
THE ACCUSED JOHN HULL CLARKE AND GERARDO ALBERTO DURAN
AYANELLI; AS PRESUMED PERPETRATORS OF THE CRIMES OF
HOSTILE ACTS AND INTERNATIONAL DRUG TRAFFICKING IN
DETRIMENT TO NATIONAL SECURITY AND PUBLIC HEALTH. BE
NOTIFIED.

MAXIMO ESQUIVEL CARRANZA
JUDGE OF THE COURT OF SAN CARLOS

OLMAN ABARCA ROJAS

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ACTION OCS-06

INFO	LOG-00	ADS-00	AID-00	INR-07	CIAE-00	DODE-00	H-01
	NSCE-00	ARA-00	NSAE-00	SSO-00	L-03	AMAD-01	PM-10
	PA-01	PPT-01	INRE-00	CA-02	JUSE-00	DEAE-00	SSE-01
	DS-01	/034 W					

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O 072038Z MAR 89
FM AMEMBASSY SAN JOSE
TO SECSTATE WASHDC IMMEDIATE 9062
INFO AMEMBASSY MANAGUA
AMEMBASSY SAN SALVADOR
AMEMBASSY GUATEMALA
USIA WASHDC 1678
USCINCSO QUARRY HTS PN

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FOR DEPT ARA/CEN AND CA/OCS

E.O. 12356: DECL: OADR
TAGS: CASC, PINS, PREL, SNAR, CS (HULL, JOHN FLOYD)
SUBJECT: UPDATE ON ARREST CASE OF JOHN HULL

END TEXT.

HINTON

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